



*Rfw*

PATENT APPLICATION  
SHP026.4.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Smith et al. )  
Title: RESETTABLE SAFETY SHIELD FOR MEDICAL )  
NEEDLES )  
Serial No.: 10/721,526 ) Art Unit  
Filing Date: November 25, 2003 ) 3763  
Examiner: Cris L. Rodriquez )  
Confirmation No.: 5331 )

**CERTIFICATE OF MAILING**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to, Mail Stop Petitions; Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

6/21/06  
Date

By: *Paul Evans*  
Paul Evans

**RENEWED PETITION UNDER 37 C.F.R. 1.181 TO WITHDRAW  
HOLDING OF ABANDONMENT**

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant submits this renewed petition to withdraw the holding of abandonment in the above-referenced patent application under 37 CFR 1.181(a) and MPEP 711.03(c). This renewed petition is a request for reconsideration of the May 23, 2006 decision by the Office of Petitions

dismissing Applicant's original petition filed April 20, 2006. Because this renewed petition is filed within two months of the mailing date of the decision by the Office of Petitions, no fee is required.

The Decision on the Petition indicates that it is necessary to include a copy of the docket record where the nonreceived Notice of Allowance would have been entered had it been received and docketed to prove non-receipt. The Decision quotes the example of a proper docket report in MPEP 711.03(c)(II), which states that "if a three month period for reply was set in the nonreceived Office action, a copy of the docket record showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted . . . ." Submitted herewith is a copy of a comprehensive docket report for the patent matters of the assignee, Specialized Health Products which is dated March 1, 2006. The docket record shows items running from November 11, 2005 through September 14, 2006. You will note that the docket report shows we expected to receive an office action on March 10, 2006 on our matter number SHP026.4.1. Our matter number SHP026.4.1 corresponds with U.S. Patent Application Serial No. 10/721,526 – the present case. Had a Notice of Allowance been received, it would have been entered into our docket and the docket record would show the docketed deadline for paying the issue fee. Also, had the Notice of Allowance been received, the docket report would show that the Issue Fee due on February 28, 2006 was unpaid on March 1, 2006. Accordingly, the comprehensive docket report confirms that a Notice of Allowance was not received.

In the Decision on the Petition, it was further stated that non-receipt is established by including a statement about non-receipt and an attestation of the facts. In the petition filed on April 20, 2006, I indicated that a Notice of Allowance was not received so Applicants were not

aware of the deadline for paying the issue fee. I also attested that after searching the file jacket and the docket records, that a Notice of Allowance was not received.

Applicant submits that this renewed petition under 37 CFR 1.181(a) meets all of the requirements set forth in MPEP 711.03(c) and requests that the Notice of Abandonment issued in the above-referenced case be withdrawn.

DATED this 21<sup>st</sup> day of June, 2006.

Respectfully submitted,

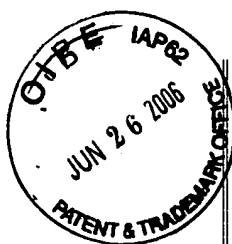
A handwritten signature in black ink, appearing to read "Paul S. Evans", is written over a horizontal line.

Paul S. Evans

Reg. No. 36,130

Customer No. 26152

Attorney for Applicant



## Case Tracking System Reminder List

Date: March 1, 2006

Date Due	Who	What	Case No, Country	Inventor	Case Title
11/11/2004	PSE	Receive Office Action	SHP026.6, USA	Ferguson	Safety Shield for Medical Needles
2/18/2005	PSE	Receive Office Action	SHP026.4.2, USA		Safety Shield for Medical Needles
8/24/2005	PSE	Receive Office Action	SHP026.4.4, USA	Ferguson	Safety Shield for Medical Needles
10/17/2005	PSE	Receive Office Action	SHP026.1.1, USA		Safety Shield for Medical Needles
10/17/2005	PSE	Receive Office Action	SHP029.1, USA		Safety Shield for Medical Needles
11/13/2005	PSE	Receive PCT Written Opinion	SHP029-PCT, PCT		Safety Shield for Medical Needles
11/25/2005	PSE	Receive PCT Written Opinion	SHP026.4.1-PCT, PCT		Resettable Safety Shield for Medical Needles
12/10/2005	PSE	Advisory Action Due	SHP026.4.1, USA	Ferguson	Resettable Safety Shield for Medical Needles
12/27/2005	PSE	Receive Notice of Acceptance of Statement of Use	18050.228, USA		SECURELOC
1/8/2006	PSE	Receive Office Action	SHP026.1.2, USA	Ferguson	Safety Shield for Medical Needles
1/8/2006	PSE	Receive Office Action	SHP026.3.1, USA		Safety Shield for Medical Needles
3/10/2006	PSE	Receive Office Action	SHP026.4.1, USA	Ferguson	Resettable Safety Shield for Medical Needles
4/3/2006	PSE	Art 34 Amendment Postcard Due	SHP026.4.3-PCT, PCT	Ferguson	Biopsy Needle Device
4/5/2006	PSE	Pay Maintenance Fee Foreign Country-Brazil	SHP026.4A.3, Brazil	Ferguson	Safety Shield for Medical Needles
4/15/2006	PSE	Pay Canadian Maintenance Fee	SHP026.4A.4, Canada	Ferguson	Safety Shield for Medical Needles
5/21/2006	PSE	Receive Receipt for Exam Request Foreign Country-Japan	SHP028.1A.2, Japan		Safety Shield for Medical Needles
5/28/2006	PSE	Receive PCT Examination Report	SHP026.4.3-PCT, PCT	Ferguson	Biopsy Needle Device
5/31/2006	PSE	Receive Notice of Acceptance of Statement of Use	18050.229, USA		MINILOC
6/7/2006	PSE	11.5 Year Maintenance Fee Due	18050.104, USA		Container For Use With Medical Instruments
6/15/2006	PSE	Receive PCT IB Filing Receipt	SHP026.4.1.3-PCT, PCT		Safety Shield for Medical Needles
6/18/2006	PSE	Receive PCT IB Filing Receipt	SHP026.4.1.4-PCT, PCT		Safety Shield for Medical Needle
6/18/2006	PSE	Enter Natl Ph - Ch II	SHP026.4.2-PCT, PCT		Safety Shield for Medical Needles
7/14/2006	PSE	File Request for Examination in Foreign Country-Japan	SHP026.1A.2, Japan		Safety Shield for Medical Needles
7/14/2006	PSE	File Request for Examination in Foreign Country-Brazil	SHP026.1A.3, Brazil	Ferguson	Safety Shield for Medical Needles
7/28/2006	PSE	Enter Natl Ph - Ch II	SHP026.4.3-PCT, PCT	Ferguson	Biopsy Needle Device
8/15/2006	PSE	File Request for Examination in Foreign Country-Australia	SHP026.3A.5, Australia	Ferguson	Safety Shield for Medical Needles
8/15/2006	PSE	Receive PCT Search Report	SHP026.4.1.3-PCT, PCT		Safety Shield for Medical Needles
8/18/2006	PSE	Receive PCT Search Report	SHP026.4.1.4-PCT, PCT		Safety Shield for Medical Needle
9/14/2006	PSE	Send Client Reminder for 7.5 Year Maintenance Fee	SCC001, USA	Thorne	Manual Safety Medical Needle Apparatus and Methods
9/14/2006	PSE	Send Client Reminder for 7.5 Year	SHP009, USA	Thorne	Lancet Apparatus and Methods